

REMARKS

In the outstanding Office Action mailed June 27, 2008, the Examiner rejected claim 19 under 35 USC 112(2) as being indefinite. In addition, the Examiner rejected claims 1-2, 8, 10, 12-13 and 15-18 under 35 USC 102(e) as being anticipated by USP 6,615,428 to Pattee. The Examiner further rejected claims 3-7 and 9 under 35 USC 103 as being obvious over Pattee, and claims 11 and 14 under 35 USC 103 as being obvious over Pattee in view of USP 6,736,469 to Long. The Examiner also has rejected claims 19-22 under 35 USC 102 as being anticipated by USP 5,199,773 to Price, claims 23-26 under 35 USC 102 as being anticipated by USP 5,680,820 to Randolph, and claims 50 and 51 under 35 USC 102 as being anticipated by USP 4,669,789 to Pemberton.

Applicants respectfully submit that the pending claims are allowable for at least the following reasons.

Remarks About 35 USC 112(2) Rejections

As noted above, the Examiner has rejected claim 19 under 35 USC 112(2) as being indefinite, and in particular for not providing antecedent basis for “said angle” and “said horizontal plane.” In response, Applicants have amended claim 19 to provide the noted antecedent basis. Accordingly, Applicants respectfully submit that the Examiner’s rejection has been overcome, and respectfully solicit notice to that effect.

Remarks About 35 USC 102 Rejections:

Claims 1 and 3-18:

The Examiner has rejected independent claim 1 as being anticipated by U.S. Patent No. 6,615,428 to Pattee. As noted in Applicants’ prior response, claim 1 recites that the “worksurface has a *front leading edge*,” and further that the “monitor support is *positioned rearwardly of said front leading edge* of said worksurface as said worksurface is moved between said first and second worksurface positions.” In this way, the worksurface, which

can be configured for example to support a keyboard, is maintained closer to the user than the monitor support as the worksurface and monitor support are moved fore-and-aft, i.e., toward and away from the user (Specification at 3, lines 11-17; at 7, lines 15-18). In addition, the “differential movement maintains the proper position of a monitor 38 situated on the monitor support 22 and a keyboard 36 situated on the moveable worksurface relative to the eyes and hands of the user respectively as the user tilts rearwardly in a chair” (Specification at 8, lines 23-27).

Applicants now have further amended claim 1 to recite that the “worksurface has a front leading edge *cantilevered forwardly in said second worksurface position such that at least a center portion of said front leading edge does not overlie said base when said worksurface is in said second worksurface position.*” This further emphasizes that the front leading edge can be moved toward a user, who can have their legs positioned under the worksurface front leading edge since that edge is not overlying a base, or other obstructive structure.

In contrast, Pattee discloses a very different apparatus and configuration. At the outset, Applicants note that the second stage 120 of Pattee (applied as the worksurface by the Examiner) has two edges – one positioned under the first stage 110 and one that is exposed when the first stage is extended (see Pattee at FIGS. 3 and 4). If one first considers the edge of the second stage 120 (applied by the Examiner as the worksurface) positioned under the first stage 110 (applied as the monitor support by the Examiner (Office Action at 3)) to be the recited “front leading edge,” then the first stage is always positioned *forwardly* of that leading front edge of the second stage 120, not rearwardly thereof as recited in claim 1. In particular, the first stage 110 of Pattee includes a table top 115 that supports a patient as the patient is moved relative to an imaging device (Pattee at Col. 1, line 6 to Col. 2, line 21; Col. 2, lines 47-52; Col. 4, lines 23-29). As plainly shown in FIGS. 1, 3, 6 and 7, the edge of the second stage 120 (see slide plate 122) is *always* positioned *under* and *rearwardly* of the first stage/table top 110, 115 as the first stage/table top is extended and

retracted so as to maximize the extension of the first stage in the imaging system (Pattee at Col. 4, lines 23-65).

As such, there also is no suggestion, motivation, or any reason to try and move the table top 115 of Pattee so that it does *not* extend beyond the second stage 120. Indeed, such a modification would reduce the amount of extension relative to the imaging device and render the table of Pattee inoperative for its intended purpose.

Conversely, if you consider the edge of the second stage 120 exposed in FIGS. 3 and 4 of Pattee to be the recited “front leading edge,” then that edge is *not* “cantilevered forwardly in said second worksurface position such that at least a center portion of said front leading edge does not overlie said base when said worksurface is in said second worksurface position,” as now recited in claim 1. Rather, the exposed edge of the second stage 120 in FIGS. 3 and 4 is supported directly by (not cantilevered) by the fixed plate 130 (applied by the Examiner as the base), and is *always* positioned over the fixed plate 130.

There also is no suggestion, motivation or any reason to try and make the exposed portion and edge of the second stage 120 (see FIGS. 3 and 4) cantilevered from, or not overlying the fixed plate 130. Indeed, the entire premise of Pattee is to allow the first stage to “smoothly extend from [not away] and to *retract to*, the fixed plate” (Pattee at Col. 2, lines 14-18). Removing the fixed plate, with its bearing rails 125, stops 140 and gear rack 135 would render the invention of Pattee inoperative (MPEP 2143.01), as the second and first stages would not be supported in the extended position.

Applicants also submit that the second stage 120 cannot be applied as the monitor support of claim 1, with the first stage 110 applied as the worksurface, since claim 1 recites that the monitor support moves a *greater* distance than the worksurface. As noted by the Examiner, the first stage 110 with its tabletop 115 moves a greater distance than the second stage 120 (Office Action at 4).

For all of these reasons, claims 1 and 3-18 are patentable over Pattee and notice to that effect is earnestly solicited.

Claim 19:

The Examiner has rejected independent claim 19 as being anticipated by U.S. Patent No. 5,199,773 to Price. Claim 19 recites that “a support surface of said worksurface forms an angle between about 5 and 45 degrees with a horizontal plane.” Applicants respectfully submit that no portions of support shelf 24 in Price form such an angle. Rather, support shelf 24 appears to have a horizontally oriented “support surface” and side walls that have an angled portion (see Price at FIGS. 1-3). Moreover, even if the Examiner asserts that the side walls form a support surface having an orientation as recited, Price does not disclose or suggest “a base having an upper surface formed at substantially said angle with said horizontal plane,” with the angle now defined as being between about 5 and 45 degrees. Rather, as acknowledged by the Examiner, the “base [of Price has] an upper surface formed at substantially with the horizontal plane, and wherein the base supports the worksurface” (Office Action at 4). Applicants agree with the Examiner’s characterization, the base has a horizontal worksurface, and the shelf member 24 moves parallel to that surface. Accordingly, claim 19 should be passed to allowance for this reason alone.

Applicants further note, however, that, contrary to the Examiner’s assertions, the monitor support 60 of Price does not move “a second distance in said fore-and-aft direction between first and second monitor positions in response to said worksurface being moved said first distance between said first and second worksurface positions, wherein said second distance is greater than said first distance.” Rather, as plainly seen and measured in FIG. 2, the monitor, and monitor support 60, move a *lesser* distance than the support shelf 24 (applied as the worksurface by the Examiner). Indeed, such an opposite differential movement is necessary such that the monitor 86 can clear the support shelf 24 as shown in FIG. 2 of Price. Accordingly, claim 19 should be passed to allowance for at least this additional reason.

Claims 20-22:

The Examiner has rejected independent claim 20 as being anticipated by U.S. Patent No. 5,199,773 to Price. Claim 20 recites that “said monitor support is automatically moveable a second distance in said fore-and-aft direction between first and second monitor

positions in response to said worksurface being moved said first distance between said first and second worksurface positions, wherein said second distance is greater than said first distance.” As just explained with respect to claim 19, the monitor and monitor support 60 of Price move a *lesser* distance in the fore-and-aft direction than the support shelf 24 (applied as the worksurface by the Examiner). Accordingly, claims 20-22 should be passed to allowance for at least this reason.

Claims 23-26:

The Examiner has rejected independent claim 23 as being anticipated by U.S. Patent No. 5,680,820 to Randolph. Claim 23 recites that “said monitor support is *automatically moveable a second distance in said fore-and-aft direction between first and second monitor positions in response to said worksurface being moved said first distance between said first and second worksurface positions*, wherein said second distance is greater than said first distance.” In sharp contrast, there is no disclosure or suggestion in Randolph that the monitor support 22 moves “automatically . . . in said fore-and-aft direction . . . in response to said worksurface being moved.” Indeed, the only “fore-and-aft” movement of the monitor platform 22 is shown in FIG. 12, which discloses a “slide mechanism 161 for sliding the monitor forwardly and rearwardly on the monitor platform” (Randolph at Col. 8, lines 56-67). Nowhere, however, does Randolph disclose or suggest that such *fore-and-aft* movement is tied to or automatically effected by movement of the worksurface 52. Rather only the raising and lowering of the monitor support is tied to raising and lowering of the worksurface (see Randolph at FIGS. 24 and 25; Col. 10, line 15 to Col. 11, line 11). Accordingly, claims 23-26 should be passed to allowance for at least this reason.

Moreover, there is no disclosure, even with respect to the *vertical* movement of the monitor platform 22 and worksurface 52, that the monitor platform 22 is moved a greater distance in response to a movement of the worksurface 52. For at least this additional reason, claims 23-26 should be passed to allowance.

S/N 10/797,581
Case No. 3591-1377

Claims 50 and 51:

The Examiner has rejected independent claim 50 as being anticipated by U.S. Patent No. 4,669,789 to Pemberton. Claim 50 recites “at least one of said worksurface and said monitor support is *automatically moveable* in response to a movement of the other of said worksurface and said monitor support,” and that the “monitor support is moveable a second distance between first and second monitor positions as said worksurface is moved said first distance between said first and second worksurface positions, wherein *said second distance is greater than said first distance.*” As clearly shown in FIGS. 9 and 10 of Pemberton, the support 43 (applied by the Examiner as the worksurface) is pivotally attached to the monitor compartment 13 with pivot 44 (Pemberton at Col. 4, lines 15-33). Due to the direct pivotal connection, the support 43 and monitor compartment move the *same* amount at the pivot connection (Pemberton at FIGS. 9-10). Moreover, the free edge of the support 43 moves a greater distance, as it swings downwardly, than the monitor compartment 13, not the other way around as is required by the language of claim 50. Accordingly, claims 50 and 51 should be passed to allowance for at least these reasons.

Conclusion

Any questions about this Amendment should be directed to the undersigned attorney at (312) 321-4713. Applicants have authorized the Director to charge any additional claims fees to Deposit Account No. 23-1925.

Respectfully Submitted,

Dated: September 29, 2008 By: /Andrew D. Stover/
Andrew D. Stover
Reg. No. 38,629
Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.
Post Office Box 10395
Chicago, Illinois 60610
(312) 321-4200